

CHRIS EUBANK,
GARY NELSON,
BRAD GREENSPAN ,
Applicants for Intervention.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE)	CASE No.: 11-CV-02509-
DIVISION IN RE:)	
HIGH-TECH)	
EMPLOYEE)	
ANTITRUST)	
LITIGATION)	LHK
)	NOTICE OF MOTION TO INTERVENE
THIS DOCUMENT RELATES		Judge: Hon. Lucy H. Koh
TO:		Courtroom: 8, 4th Floor
ALL ACTIONS		Date: August 28, 2014
		Time: 1:30 p.m.

NOTICE OF MOTION TO INTERVENE

COME NOW PLAINTIFF INTERVENORS:

NEW EVIDENCE AND PLEADINGS SUPPORT MOTION TO INTERVENE:

WHICH INCLUDES:

- i) NOTICE OF MOTION TO INTERVENE
- ii) A DECLARATION IN SUPPORT OF MOTION TO INTERVENE
- iii) MEMORANDUM POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO INTERVENE
- iv) PROPOSED ORDER

DATED: JULY 7, 2014

RESPECTFULLY SUBMITTED,

/s/ Cathy Jones
Cathy Jones (California State Bar No: 117934)
Briggs Jones Law
14938 Camden Ave
Suite 47
San Jose, CA 95124
BriggsJonesLaw@Hotmail.com
Fax (408) 796-5373

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GARY NELSON,
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE)
DIVISION IN RE:)
HIGH-TECH)
EMPLOYEE)
ANTITRUST)
LITIGATION)

CASE No.: 11-CV-02509-

LHK
DECLARATION IN SUPPORT
OF MOTION TO INTERVENE

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Judge: Hon. Lucy H. Koh
Courtroom: 8, 4th Floor
Date: August 28, 2014
Time: 1:30 p.m.

DECLARATION IN SUPPORT OF MOTION TO INTERVENE

DECLARATION

I, Cathy Jones, declare:

1. I am an attorney at law, duly admitted to practice before all the courts of the State of California and this Honorable Court. I am counsel for Plaintiffs ("Plaintiff") in this action. I have first-hand, personal knowledge of the facts set forth below and, if called as a witness, I could and would testify competently thereto.

2. This Declaration is made in further support of Plaintiffs' Motion To Intervene.

Executed this 7th day of July 2014.

/s/ Cathy Jones
Cathy Jones (California State Bar No: 117934)
Briggs Jones Law
14938 Camden Ave
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San Jose, CA 95124
BriggsJonesLaw@Hotmail.com
Fax (408) 796-5373

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION)
IN RE: HIGH-TECH)
EMPLOYEE)
ANTITRUST)
LITIGATION)
)
)

Case No.: 11-CV-02509-

LHK
PLAINTIFF PROPOSED
ORDER FOR MOTION TO
INTERVENE

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Judge: Hon. Lucy H. Koh
Courtroom: 8, 4th Floor
Date: August 28, 2014
Time: 1:30 p.m.

[PROPOSED] ORDER ON MOTION FOR LEAVE TO INTERVENE

Motion to intervene in the above-captioned matter is hereby _____,

IT IS SO ORDERED.

Dated: _____, 2014

HON. J.
UNITED STATES DISTRICT COURT JUDGE

1 CHRIS EUBANK,
2 GARY NELSON,
3 BRAD GREENSPAN ,
Applicants for Intervention.

4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

6 SAN JOSE DIVISION) Case No.: 11-CV-02509-
7 IN RE: HIGH-TECH)
8 EMPLOYEE)
9 ANTITRUST)
10 LITIGATION)
11)
12)

LHK
MEMORANDUM OF POINT AND
AUTHORITIES IN SUPPORT MOTION
TO INTERVENE

13 THIS DOCUMENT RELATES TO:
14 **ALL ACTIONS**

Judge: Hon. Lucy H. Koh
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CASE LAW CITED

See Luther v. Countrywide Homes Loans Servicing LP, 533 F.3d 1031, 1033-34 pg. 7(9th Cir. 2008)
Arakaki v. Cayetano, 324 F.3d 1078, 1083 (9th Cir. 2003) pg.10
Donnelly v. Glickman, 159 F.3d 405, 409 (9th Cir. 1998) pg.10
Northwest Forest Res. Council v. Glickman, 82 F.3d 825, 836 (9th Cir. 1996) pg.11
United States v. Washington, 86 F.3d 1499 (9th Cir.1996) pg.11
Engra, Inc. v. Gabel, 958 F.2d 643, 644 (5th Cir. 1992). Pg. 12
Northwest Forest Resource Council, 82 F.3d at 837. Pg. 12
Sierra Club v. United States EPA, 995 F.2d 1478, 1484 (9th Cir. 1993) pg. 12
Donnelly, 159 F.3d at 409; pg.12

MEMORANDUM POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO INTERVENE

INTRODUCTION

1. Pursuant to Federal Rule of Civil Procedure three Plaintiffs move to Intervene.

2. The Intervenors further respectfully requests the Court grant in such motion, the right to serve:

i. Motion of Recusal (Exhibit #1)

So that existing members of Class are not damaged by Judge that should recuse herself. Intervenor has a significantly protectable interest in the subject matter.

ii. Motion for Contempt And Preliminary Injunction 65(a) (Exhibit #2)

iii. Complaint in Intervention (Exhibit #3) ,

iv. Motion for Summary Judgement (Exhibit #4)

v. RICO Case Statement (Exhibit #5)

BACKGROUND

3. The Court should allow the proposed Intervenors to join as lead Plaintiffs in the actions under Common Questions Of Law And Fact: An Independent Ground For Jurisdiction.

4. The Proposed Intervenors have claims against one or more same defendants that arise under the federal laws, these claims are identical in all material respects to those alleged

in the current Complaint in those actions in which intervention is sought. Claims happen also during same 2003-2006 timeline defendants began commercial business thru commercial agreements and secret “bi-lateral” now admitted illegal “no poach” agreements which took the form of illegal tactics and conduct victimizing each company’s employees who were damaged by receiving lower wages. Therefore, pursuant to 28 U.S.C. § 1331(a), the Court has subject-matter jurisdiction over the claims of the Proposed Intervenor.

III - GOALS:

- A) To intervene to make sure Plaintiff Class Counsel fulfills promise to add “Does” that Class Counsel discovered during discovery.
- B) To intervene to add the other legal violations and conspiracies the Existing defendants are also part of including their participation in an Associated by Fact Enterprise. For example it was only June 20, 2014 that Google Bilateral agreement partner News Corporation had a top executive, Andy Coulson found guilty of criminal Phone Hacking, By UK High Court Jury. Coulson approved, involved, used the cash to fund crimes from Google bilateral “promise me in blood” new evidence Submitted
- C) To Intervene so that other Defendants are able to dispose of their claims against existing Defendants
- D) Ensure Absentee Class gets benefit of material new evidence including multiple criminal convictions by Defendants*

1 E) Get right to serve discovery on Intel head of comp Browne, former CEO of BP 2005-
 2 2007, after new criminal Admission of blackmail by Browne while heading Intel's
 3 Compensation Committtee (in NYTimes publication June 26, 2014)

4 5. Intervenors absolutely can claim "an interest relating to the property or
 5 transaction that is the subject of the action." Fed. R. Civ. Proc. 24(a)(2).

6 Permissive intervention is also justified because Intervenor's participation
 7 will facilitate an equitable result. See Spangler v. Pasadena Board of Education, 28 552
 8 F.2d 1326, 1329 (9th Cir. 1977) (the court may consider whether intervenors "
 9

10 **IV. 24(b) LEGAL ARGUMENT**

11 **There Exist Common Questions Of Law And Fact**

12 6. The Proposed Intervenor claims are based upon many of the same alleged
 13 violations of federal law as the underlying HiTech Class Action actions. Thus, it is
 14 indisputable that the intervenors' claims and the claims asserted in the underlying
 15 actions have many common -- indeed identical -- questions of law and fact.

16 Diduck v. Kaszycki & Sons Contractors, Inc., 149 F.R.D. 55, 59 (S.D.N.Y. 1993)
 17 (intervention granted where "the intervenor's claims raise identical questions of law
 18 and fact to those currently before the Court");

19 **Policy Considerations In Class Actions Favor Granting Intervention Motions**

20 7. In class actions, intervention is "highly desirable" "to ensure adequate class
 21 representation." Trief v. Dun & Bradstreet Corp., 144 F.R.D. 193, 202 (S.D.N.Y. 1992)

(rejecting defendants' argument that intervention was untimely).

8. Petitioners are entitled to intervention as a matter of right under Federal Rule of Civil Procedure 24(a)(2). The Ninth Circuit construes Rule 24 liberally in favor of movants for intervention. See *Arakaki v. Cayetano*, 324 F.3d 1078, 1083 (9th Cir. 2003) (citing *Donnelly v. Glickman*, 159 F.3d 405, 409 (9th Cir. 1998)). "Courts are guided primarily by practical and- equitable considerations." *Id.* ¹For reasons set forth herein, Intervenor satisfy requirements of F.R.C.P. 24(a)(2) to intervene as a matter of right in present action.

9. Intervenor's claims arise from the same set of facts, occurrences, circumstances and transactions as the Plaintiffs in this case. Intervenor's claims involve the same legal issues as those already presented in this case by the Plaintiffs.

10. Plaintiffs' claim to a property interest in their employment.

11. Intervenor is entitled to relief, including liquidated damages, and costs and attorney's fees.

12. Intervenor's interests will not be represented in this case unless intervention is allowed.

13. Allowance of intervention at this time will not cause any additional delay or prejudice to Defendants.

14. If intervention is not allowed Intervenor will have to file a separate lawsuit

¹ When considering a motion to intervene, the court "must accept as true the non-conclusory allegations in the motion." *Reich v. ABC/York-Estes Corp.*, "A motion to intervene as a matter of right, moreover, should not be dismissed unless it appears to a certainty that the intervener is not entitled to relief under any set of facts which could be proved under the complaint." *Id.* (citing *Lake Investors Dev. Group v. Egidi Dev. Group*,).

1 to assert their claims for relief and to vindicate their claim to a protected property interest in
 2 their employment. Filing a separate lawsuit would entail additional and unnecessary delay and
 3 expense of time, effort, and judicial resources.
 4

5 **V – CONCLUSION**

6
 7 15. In accordance with Rule 24(c), this Motion is accompanied by a pleading
 8 setting for the claims for which intervention is sought, accompanying Memorandum in support
 9 thereof, and on the declaration filed concurrently, and on the papers, records and pleadings on
 0 file in this matter, and on such oral argument as the Court allows.
 1

2 16. WHEREFORE, Plaintiff-Intervenors respectfully request leave from the Court
 3 to intervene and accept new pleadings
 4

5 DATED: July 7, 2014

6 Respectfully submitted,
 7

8 /s/ Cathy Jones
 9 Cathy Jones (California State Bar No: 117934)
 10 Briggs Jones Law
 11 14938 Camden Ave
 12 Suite 47
 13 San Jose, CA 95124
 14 BriggsJonesLaw@Hotmail.com
 15 Fax (408) 796-5373.
 16
 17
 18

EXHIBIT #1 – MOTION OF RECUSAL

CHRIS EUBANK,
GARY NELSON,
BRAD GREENSPAN ,
Applicants for Intervention.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE) CASE No.: 11-CV-02509-
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LITIGATION) LHK

NOTICE OF MOTION FOR RECUSAL

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Date: August 28, 2014
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NOTICE OF MOTION FOR RECUSAL

COME NOW PLAINTIFF INTERVENORS:

NEW EVIDENCE AND PLEADINGS SUPPORT MOTION FOR RECUSAL
WHICH INCLUDES:

I) NOTICE OF MOTION

II) A DECLARATION IN SUPPORT OF MOTION

III) MEMORANDUM POINTS AND AUTHORITIES IN SUPPORT OF MOTION

IV) PROPOSED ORDER

DATED: JULY 7, 2014

RESPECTFULLY SUBMITTED,

/s/ Cathy Jones

Cathy Jones (California State Bar No: 117934)

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SAN JOSE DIVISION) Case No.: 11-CV-02509-
IN RE: HIGH-TECH)
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)
)

LHK
DECLARATION IN SUPPORT OF
MOTION FOR RECUSAL

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Judge: Hon. Lucy H. Koh
Courtroom: 8, 4th Floor
Date: August 28, 2014
Time: 1:30 p.m

DECLARATION IN SUPPORT OF MOTION FOR RECUSAL

DECLARATION

I, Cathy Jones, declare:

1. I am an attorney at law, duly admitted to practice before all the courts of the State of California and this Honorable Court. I am counsel of record for Plaintiffs ("Plaintiff") in this action. I have first-hand, personal knowledge of the facts set forth below and, if called as a witness, I could and would testify competently thereto.

2. This Declaration is made in further support of Plaintiffs' Motion To Intervene.

Executed this 7th day of July 2014.

/s/ Cathy Jones
Cathy Jones (California State Bar No: 117934)
Briggs Jones Law
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Fax (408) 796-5373

1 CHRIS EUBANK,
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ANTITRUST)
LITIGATION)

Case No.: 11-CV-02509-

10 LHK
11 MEMORANDUM OF POINTS AND
12 AUTHORITIES IN SUPPORT OF MOTION
FOR RECUSAL

13 THIS DOCUMENT RELATES TO:
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MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION
FOR RECUSAL

I - INTRODUCTION

1. Plaintiffs herein, submit this Memorandum of Points and Authorities in Support of Motion For Recusal. Recusal is warranted because Petitioners seeks to intervene in case assigned to United States District Court Judge Koh. Facts that have emerged in 2014 thru the discovery Process have increased the number of involved potential parties that can reasonably be determined will be witnesses or by fact part of Jury Trial or other disposition at this stage.

2. Judge Koh according to the Federal Court website,
<http://www.cand.uscourts.gov/lhk> has the following work experience listed:

i. "Judge, U. S. District Court, Northern District of Californi Nominated by Barack Obama on January 20, 2010, to a seat vacated by Ronald M. Whyte. Confirmed by the Senate on June 7, 2010, and received commission on June 9, 2010.

ii. "Education:

Harvard University, B.A., 1990
Harvard Law School, J.D., 1993

iii. "Professional Career:

Fellow, Committee on the Judiciary, U.S. Senate, 1993-1994
Special Counsel, Office of Legislative Affairs, U.S. Department of Justice, 1994-1996
Special Assistant to the Deputy Attorney General, U.S. Department of Justice, 1996-1997
Assistant U. S. Attorney, Central District of California, 1997-2000"

3. Recusal is warranted because case Petitioners seek to intervene for relief against criminal acts and violation of their civil rights by way of being victims of what Judge Koh described as several defendants that initiated and operated an unlawful "broad conspiracy" that was a violation of Federal antitrust law and located in the same geographic area of this Court.

II. LAW AND ARGUMENT

Standards For Recusal Under Section 455(a)

4. Petitioners are Entitled To Have This Case Assigned To Another Judge who is Not Affiliated in the direct above described prior work and/or economic manner for even a single conflict existing with defendants: Holder, Klein, Varney, and Obama. However, all four will be defendants in the same complaint so the threshold

5. Title 28 U.S.C. Section 455(a) provides in relevant part: "(a) Any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."

6. The relevant consideration under Section 455(a) is the appearance of partiality. *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 108 S.Ct. 2194, 100 L.Ed.2d 855, (1988). The very purpose of 455(a) is to promote confidence in the judiciary by avoiding even the appearance of impropriety whenever possible. *Liljeberg*, 108 S.Ct. at 2205.

RECUSAL REVIEWS

A. Holder / Koh Conflict triggers Recusal Under Section 455(a)

1
2 7. Shockingly, Judge Koh in 1996-1997 was “Special Assistant” to current
3 Department of Justice Atty General Eric Holder¹, a defendant in the Consolidated
4 Complaint in Intervention, Therefore, this assignment creates a strong
5 appearance of impropriety.

6 **B. President Obama / Koh Conflict triggers Recusal Under Section 455(a)**

7
8 8. As the Court will see from the pleadings enclosed herein, Barack Obama
9 is a defendant. Therefore, this assignment creates a strong appearance of impropriety.

10 **C. Varney, Klein, Koh Conflicts trigger Recusal**

11 9. Additional conflicts exist with Joel Klein and Christine Varney who
12 also worked at the Department of Justice during the aforementioned
13 Period. As the Court will see from the pleadings enclosed herein, Joel Klein
14 and Christine Varney are defendants.

15 For this reason, a strong appearance of impropriety is created with Judge
16 Koh assigned to a matter where one or more of the following is a defendant:
17 Holder, Klein, Varney, or Obama. For these reasons, she is disqualified under 28
18 U.S.C. Section 455(a), and Petitioner motion for recusal should be granted.

19
20 10. Petitioner Is Entitled To Have Case Assigned To Another Judge Who
21 Is Not Affiliated in the direct above described prior work and/or economic manner for
22 Even a single conflict existing with defendants: Holder, Klein, Varney, and Obama.
23 However, all four will be defendants in the same complaint so the threshold or ability
24 For the Court to navigate equitably is too burdensome and risky to injure Plaintiffs.

25
26 ¹ “Special Assistant to the Deputy Attorney General, U.S. Department of Justice, 1996-1997
Assistant U. S. Attorney, Central District of California, 1997-2000”

1 Here, a reasonable person would question the judge's impartiality where the judge has
 2 been an adjunct faculty member at defendant university. If a reasonable man or woman
 3 apprised of all of the circumstances would question the judge's impartiality, then an
 4 appearance of impartiality sufficient to trigger Section 455 exists. *Travelers Ins. Co. v.*
 5 *Liljeberg Enterprises, Inc.*, 38 F.3d 1405 (5th Cir. 1994).

6 11. Here, because of the high likelihood of winning one or more of Petitioners
 7 claims, recusal will promote confidence in the judiciary by avoiding even the
 8 appearance of impropriety. Because a strong appearance of partiality is created here
 9 under Section 455(a), recusal is required.

10 **E. Review under 3E(1) Recusal Requirements**

11
 12 12. Canon 3E(1) sets forth the general duty to disqualify applicable to a judge
 13 of any court. Sources for determining when recusal or disqualification is appropriate
 14 may include the applicable provisions of the Code of Civil Procedure, other provisions
 15 of the Code of Judicial Ethics, the Code of Conduct for United States Judges, the
 16 American Bar Association's Model Code of Judicial Conduct, and related case law.

17 **F. Review under 3E(3) Recusal Requirements**

18
 19 13. Canon 3E(3) is intended to assist judges in complying with Code of
 20 Civil Procedure section 170.1, subdivision (a)(3) and Canon 3E(5)(d).
 21

22 14. (4) An appellate justice shall disqualify himself or herself in any
 23 proceeding if :
 24

25 (a) the justice believes his or her recusal would further the interests of justice;
 26

(b) the justice substantially doubts his or her capacity to be impartial;*

G. Review under Canon 3E(4) also requires Recusal

15. Canon 3E(4) sets forth the general standards for recusal of an appellate justice. The term “appellate justice” includes justices of both the Courts of Appeal and the Supreme Court. Generally, the provisions concerning 18 disqualification of an appellate justice are intended to assist justices in determining whether recusal is appropriate and to inform the public why recusal may occur. In the latter case, the judge must promptly disclose on the record the basis for possible disqualification and use reasonable efforts to transfer the matter to another judge as soon as practicable. In some instances, membership in certain organizations may have the 29 potential to give an appearance of partiality, although membership in the 30 organization generally may not be barred by Canon 2C, Canon 4, or any other 31 specific canon. A judge holding membership in an organization should disqualify 32 himself or herself whenever doing so would be appropriate in accordance with 33 Canon 3E(1), 3E(4), or 3E(5) or statutory requirements.

DISCLOSURE REQUIREMENTS

16. if Judge Koh determines not to Recuse herself then Judge Koh must instead provide Class Members the following information based on Statue:

H. 3E(2) Disclosure Required

17. The decision whether to disclose information under Canon 3E(2) is a decision based on the facts of the case before the judge. A judge is required to disclose

1 only information that is related to the grounds for disqualification set forth in
2 Code of Civil Procedure section 170.1.

3 18. In addition, in some 34 circumstances, the parties or their lawyers
4 may consider a judge's membership in 35 an organization relevant to the
5 question of disqualification, even if the judge 36 believes there is no actual
6 basis for disqualification. In accordance with this 37 canon, a judge should
7 disclose to the parties his or her membership in an 38 organization, in any
8 proceeding in which that information is reasonably relevant 39 to the question
9 of disqualification under Code of Civil Procedure section 170.1, 40 even if the
10 judge concludes there is no actual basis for disqualification.

11 19. Notwithstanding Canon 3E(5)(j), a justice shall be disqualified based
12 on a contribution of a lesser amount if required by Canon 3E(4). The
13 disqualification required under Canon 3E(5)(j) may be waived if all parties 2
14 that did not make the contribution agree to waive the disqualification.

15
16 **I. Judge Koh's husband's reliance on WH and President continuing to
renew work agreements requires Judge Koh recuse herself.**

17 20. Judge Koh's husband is currently continuing to work full time at a
18 job that was supplied by his relationship with President Obama. Therefore, Judge Koh
19 has a significant conflict of interests because President Obama continuously since
20 2008 has requested and received millions of dollars in donations from the
21 current Defendants including Google, Intel, Apple. Further, President Obama
22 has the top executives like Google's Schmidt from the Defendant companies
23 invited and selected to head his Economic Board and Technology Board in
24 Washington D.C.

J. Judge Koh has additional conflict of interest issue depending on relationship with Harold Koh.

21. Judge Koh must decide if she wants to disclose the details of her commercial and family relationship to “Harold Koh” or simply Recuse herself at this time. Harold Koh may be a family member of Judge Koh and if Judge Koh is indeed related to Harold Koh, this must be disclosed to Absentee Class in detail or Judge Koh should simply Recuse herself. Harold Koh relies on consulting and lobbying work and legal opinion Writing work that almost exclusive is provided by the White House and Department of Justice. If Harold is indeed related to Judge Koh as is rumored and widely believed, then Judge Koh has an additional commercial conflict with the White House because Judge Koh may fear Harold losing his job if Judge Koh doesn’t approve the settlement which the Defendants are suggesting is fair and proper. Judge Koh can simply Recuse herself at this point in the Class Action process or she must disclose the nature of her relationship with Department of Defense consultant and legal opinion writer: Harold Koh.

K. RECUSED HERSELF FROM FACEBOOK CASE

22. Judge Koh recently recused her from the Facebook case, that significant conflicts exist for her for any companies that are linked to Sheryl Sandberg like Facebook. As Sheryl is friends with the people that Judge Koh realized she knew and thus caused a clear conflict, causing her to opt to Recuse herself wisely.

L. ADDITIONAL CONFLICT: CHRISTINE VARNEY

23. Additional background on Varney appears in Exhibit #1.

Specifically, its believed Judge Koh and Christine Varney likely worked at the DOJ in Washington D.C. or California at the same time between 1993-2000. If Judge Koh Doesn't approve settlement and the Case goes to Trial, it could expose Ex- DOJ Antitrust Assistant Attorney General to harsh criticism which would put significant pressure on Judge Koh if in fact Judge Koh and Christine Varney worked together between 1993-2000. Judge Koh could opt to simply avoid any risk by Recusing herself at this point in Class Action.

III. CONCLUSION

24. Here, because of the high likelihood of winning one or more of Petitioners claims, recusal will promote confidence in the judiciary by avoiding even the appearance of impropriety. Because a strong appearance of partiality is created here under Section 455(a), recusal is required. Petitioner respectfully submits the recusal motion must be granted and this case assigned to another district court Judge unaffiliated in a former working relationship.

Respectfully submitted,
July 7, 2014

/s/ Cathy Jones

Cathy Jones
Briggs Jones Law
14938 Camden Ave
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San Jose, CA 95124
Fax (408)-549-9867

1 EXHIBIT #1
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1 “Hogan & Hartson L.L.P.

2 <http://thehandlerfamily.com/UVa/docs/varney.htm> Page 1 of 2

3
4 Christine A. Varney Christine A. Varney
5 Partner, Washington, DC

6 Practice Groups: Antitrust/Litigation

7 Emerging Business Practice

8 Internet Law Group

9 Middle East Practice Task Force

10 Privacy

11 Areas of

12 Concentration:

13 Antitrust Counseling

14 Mergers and Acquisitions

15 Civil Investigations

16 Advertising and Consumer Protection

17 Education: J.D., 1986, Georgetown University

18 M.P.A., 1978, Syracuse University,
19 magna cum laude

20 B.S., 1977, State University of New
21 York at Albany

22 Christine Varney rejoined Hogan & Hartson, after five years in government service,
23 to head the firm’s Internet Practice Group. Ms. Varney’s practice provides full
24 service assistance to companies doing business globally, primarily through the
25 Internet, including advice in privacy, business planning and corporate governance,
26 intellectual property and general liability issues. Ms. Varney also provides antitrust,
27 competition policy and regulatory advice to a variety of companies.

28 During her government tenure Ms. Varney served as a Federal Trade Commissioner
from 1994 to 1997. At the Federal Trade Commission, Ms. Varney was the
Administration’s leading official on a wide variety of Internet issues. She also
pioneered the application of innovation market theory analysis to transactions in
both electronic high technology and biotechnology. She led the government’s effort
to examine privacy issues in the information age, resulting in Congressional and

1 agency hearings, proposed industry standards and increased government
2 enforcement of laws protecting privacy.

3 Prior to becoming a Federal Trade Commissioner, Ms. Varney was an Assistant to
4 the President and Secretary to the Cabinet. Ms. Varney was the primary point of
5 contact between the President and the 20 members of his Cabinet. She was
6 responsible for the overall coordination of several major issues and initiatives
7 between the White House and the agencies.

8 Prior to joining the Clinton Administration, Ms. Varney practiced law with Hogan &
9 Hartson. Her representations have included Netscape, Ebay, AOL, DoubleClick, Real
10 Networks, and serving as Chief Counsel to the Clinton/Gore Campaign, General
11 Counsel to the 1992 Presidential Inaugural Committee, and General Counsel to the
12 Democratic National Committee from 1989 to 1992.

13 <http://thehandlerfamily.com/UVa/docs/varney.htm> Page 2 of 2

14 Ms. Varney has lectured extensively, both in the United States and abroad, on
15 various legal issues in American politics. Ms. Varney has also been involved in an
16 ongoing international dialogue on comparative political processes and competition
17 policy with foreign government officials through the Organization for Economic
18 Cooperation and Development (OECD). She regularly contributes to a variety of
19 publications.

20 Ms. Varney's post-graduate degrees include a 1986 J.D. from the Georgetown
21 University Law Center, where she was a Law Fellow, and a 1978 Masters in Public
22 Administration from the Maxwell School at Syracuse University. She attended
23 Trinity College in Dublin, Ireland, and is a 1977 graduate of the State University of
24 New York in Albany. Ms. Varney is a member of the District of Columbia Bar, the
25 New York State Bar, the American Bar Association and the National Lawyers'
26 Counsel. She is also a committee member on the ABA Standing Committee on
27 Election Law and is active in the Antitrust Section.

28 Ms. Varney was born in Washington, D.C. and raised in Syracuse, New York. She is
married to Thomas J. Graham, and they have two children.

Publications: Medine, David and Christine Varney. "Internet Privacy:
Enforcement Actions." The National Law Journal (August
6, 2001): A23. Medine, David and Christine Varney. "Internet Privacy
Enforcement Actions." The National Law Journal (August
6, 2001). Varney, Christine A. "The Death of Privacy?" Newsweek
Special Edition (December 2000-February 2001): 78-79.

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1
2 CHRIS EUBANK,
3 GARY NELSON,
4 BRAD GREENSPAN ,
Applicants for Intervention.

5
6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA

8 SAN JOSE DIVISION)
9 IN RE: HIGH-TECH)
EMPLOYEE)
10 ANTITRUST)
11 LITIGATION)

Case No.: 11-CV-02509-

12) LHK
13) PLAINTIFF PROPOSED ORDER FOR
MOTION OF RECUSAL

14 THIS DOCUMENT RELATES
15 TO:
16 **ALL ACTIONS**

Judge: Hon. Lucy H. Koh
Courtroom: 8, 4th Floor
Date: August 28, 2014
Time: 1:30 p.m.

1 **[PROPOSED] ORDER FOR MOTION FOR RECUSAL**

2
3 Motion for Recusal in the above-captioned matter is hereby _____,

4
5
6 _____
7
8 IT IS SO ORDERED.

9
10 Dated: , 2014

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13 HON. J.
14 UNITED STATES DISTRICT COURT JUDGE
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EXHIBIT #2 –

MOTION TO CONSOLIDATE 65(a)
PRELIMINARY INJUNCTION & FRCP 2521

CHRIS EUBANK,
GARY NELSON,
BRAD GREENSPAN ,
Applicants for Intervention.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION)
IN RE: HIGH-TECH)
EMPLOYEE)
ANTITRUST)
LITIGATION)

Case No.: 11-CV-02509-

LHK

NOTICE OF MOTION TO CONSOLIDATE
65(a) PRELIMINARY INJUNCTION & FRCP
2521

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Judge: Hon. Lucy H. Koh
Courtroom: 8, 4th Floor
Date: August 28, 2014
Time: 1:30 p.m.

COME NOW PLAINTIFF INTERVENORS:

New Evidence and Pleadings support MOTION TO CONSOLIDATE

65(a) PRELIMINARY INJUNCTION & FRCP 2521:

which includes:

i) Notice of motion

ii) A Declaration in support of Motion

iii) memorandum points and authorities in support OF Motion

iv) Proposed Order

DATED: July 7, 2014

Respectfully submitted,

/s/ Cathy Jones

Cathy Jones (California State Bar No: 117934)

Briggs Jones Law

14938 Camden Ave

Suite 47

San Jose, CA 95124

BriggsJonesLaw@Hotmail.com

Fax (408) 796-5373

1 CHRIS EUBANK,
2 GARY NELSON,
3 BRAD GREENSPAN ,
4 Applicants for Intervention.

5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA

7 SAN JOSE)
8 DIVISION IN RE:)
9 HIGH-TECH)
10 EMPLOYEE)
11 ANTITRUST)
12 LITIGATION)

CASE No.: 11-CV-02509-

LHK
MEMORANDUM OF POINTS
AND AUTHORITIES IN
SUPPORT OF MOTION
65(a) & FRCP 2521

13 THIS DOCUMENT RELATES
14 TO:
15 ALL ACTIONS

JUDGE: HON. LUCY H. KOH
COURTROOM: 8, 4TH FLOOR
DATE: AUGUST 28, 2014
TIME: 1:30 P.M

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III. TRIAL #2 - <u>2521 - Injunction against illegal interception</u>	<u>pg.4</u>
IV – CONCLUSION-	

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

1. The grant of the injunction turns on Delaware law per the internal affairs doctrine. Consolidation is proper when actions involve common questions of law and fact.¹ Courts have recognized consolidation expedites pretrial proceedings, reduces case duplication, avoids the contacting of parties and witnesses for inquiries in multiple proceedings, and minimizes the expenditure of time and money by all persons concerned.²

2. This motion is brought on the grounds that these actions are substantially identical because each Alleges claims based upon similar factual allegations against substantially the same defendants. The motion is also brought on the ground that consolidation of these cases will promote efficiency.

This motion is based upon notice of motion, memorandum of points and authorities, the such oral argument as the Court May consider in deciding this motion

3. Court must use Delaware preliminary injunction law

II. TRIAL #1: Expedited Motion and Hearing For Preliminary Injunction

¹ In re Equity Funding Corp. of Am. Sec. Litig., 416 F. Supp. 161, 175 (C.D. Cal.1976). This Court has broad discretion under this Rule to consolidate cases pending within this District. Investors Research Co. v. United States Dist. Court for Cent. Dist., 877 F.2d 777 (9th Cir. 1989); Perez-Funez v. District Director, Immigration & Naturalization Service, 611 F. Supp. 990, 994 (C.D. Cal. 1984) (" typically, consolidation is favored.") (citation omitted).

Consolidation or other Injunctive relief is appropriate under Rule 65. A(2)

4. Rule 65 A(2) “(a) PRELIMINARY INJUNCTION.

(1) *Notice*. The court may issue a preliminary injunction only on notice to the adverse party.

(2) *Consolidating the Hearing with the Trial on the Merits*. Before or after beginning the hearing on a motion for a preliminary injunction, the court may advance the trial on the merits and consolidate it with the hearing.

Even when consolidation is not ordered, evidence that is received on the motion and that would be admissible at trial becomes part of the trial record and need not be repeated at trial. But the court must preserve any party's right to a jury trial.”

5. Under Rule 65(a), Injunction should be granted Because Defendant Google, Inc. John Doerr, Kleiner Perkins, HP, Mark Hurd, News Corporation are in breach of Consent Order (see Exhibit #1).Mark Hurd and Tom Perkins served as Directors of HP And News Corporation Between 2005 thru 2012.

6. Defendant will be found to have violated Consent Order related to staying Compliant quarterly if publicly traded Defendant and also an active attorney, Under Violation Rule 307 and fraudulent concealment and destruction of records.

III - JURY TRIAL #2: 2521 - Injunction against illegal interception

7. Expedited Motion and Hearing for Preliminary Injunction under Federal 2521. Injunction is warranted under Sec. 2521 which states:

“Injunction against illegal interception “

“Whenever it shall appear that any person is engaged or is about to engage in any act which constitutes or will constitute a felony violation of this chapter, the Attorney General may initiate a civil action in a district court of the United States to enjoin such violation.

The court shall proceed as soon as practicable to the hearing and determination of such an action, and may, at any time before final determination, enter such a restraining order or prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the United States or to any person or class of persons for whose protection the action is brought. A proceeding under this section is governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the respondent, discovery is governed by the Federal Rules of Criminal Procedure.”

This Court Should Order the Preservation of Documents

8. Through this motion, Movants also request that the Court order the preservation of documents relating to this litigation in accordance with 15 U.S.C. §78u-4(b)(3)(C)(i), both prior to and after the filing of any motion to dismiss. In complex cases involving companies with numerous employees, such an order is appropriate and will prevent the loss of key documents, whether through inadvertence or otherwise.

IV. CONCLUSION

9. For the reasons stated above, and in order to promote judicial economy, Plaintiffs request the Court consolidate the related actions identified herein and allow for a Preliminary Injunction hearing under 65(a).

DATED: July 7, 2014

Respectfully submitted

/s/ Cathy Jones
Cathy Jones
Briggs Jones Law
14938 Camden Ave
Suite 47
San Jose, CA 95124
BriggsJonesLaw@Hotmail.com
Fax (408)-549-9867
Attorney for Proposed Intervenors

EXHIBIT #1

"SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SANTA CLARA
106C V -076U 8 ~ PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,
v. HEWLETT-PACKARD COMPANY, a Delaware Corporation, Defendant.

This action is brought against Hewlett-Packard Company, a Delaware corporation (hereinafter "Hewlett-Packard" or "HP"), who, in violation of California Business and Professions Code section 17200, engaged in a unlawful scheme to spy on its own employees and directors, third parties and family members of these individuals (collectively "Victims").

HP's tactics violate the right to privacy of the Victims, violates several Penal Code sections prohibiting the obtaining of confidential information from telecommunications utilities under false pretenses, and constitute unfair business practices within the meaning of California Business and Professions Code section 17200. Unless enjoined and restrained by an order of the Court, HP will continue to engage in the unlawful acts and conduct set forth in this Complaint.

HP at all times mentioned herein has transacted business in the County of Santa Clara and elsewhere within the State of California. HP authorized and directed the unlawful investigations at issue from its offices in the State of California, and the violations of law described herein occurred in the County of Santa Clara and elsewhere in the State of California.

1. Whenever reference is made in this Complaint to any act or transaction of any corporation, partnership, business or other organization, that allegation shall be deemed to mean that the corporation, partnership, business or the organization did or authorized the acts alleged in this Complaint through its principals, officers, directors, employees, members, agents and representatives while they were acting within the actual or ostensible scope of their authority

DEFENDANT'S BUSINESS PRACTICES

7. In 2005, HP launched an investigation ostensibly to determine who among its HP board members had "leaked" information to the media. During the course of this investigation, HP authorized and permitted the use of "pretexting" or "social engineering," by which HP investigators obtained the personal, home and cellular telephone records of current and former HP directors and employees, several journalists, and their families (collectively "Victims"), by posing as the Victims.

8. In 2006, after the 2005 investigation failed to reveal the source of the leaks, HP launched a second investigation to determine the source of new leaks to the media that took place in January 2006. (The 2005 and 2006 investigations are hereafter collectively referred to as "the Kona Investigation.")

9. During the Kona investigation, HP utilized unlawful, unfair and deceptive investigative tactics to obtain confidential personal information about the Victims, including:

- a. using pretexting to obtain the telephone or facsimile records of Hewlett-Packard employees, former or current Hewlett-Packard Board members or their families, and journalists and their family members.
- b. authorizing the use of pretexting to obtain telephone or facsimile telephone call records by duping telecommunications carriers into providing confidential information and/or by creating an online account using confidential information supplied by Hewlett-Packard, including portions of the Victims' Social Security Numbers.
- c. permitting and authorizing the use and disclosure of Social Security Numbers and confidential personal

information to obtain, through pretexting, the telephone call information of employees, current or former Hewlett-Packard Board members and journalists.

FIRST CAUSE OF ACTION VIOLATIONS OF BUSINESS AND PROFESSIONS CODE SECTION 17200 (UNFAIR COMPETITION)

10. Plaintiff alleges and incorporates by reference paragraphs 1-9 above, as though they are set forth in full herein.

11. Beginning at an exact date unknown to plaintiff, HP engaged in unfair competition as defined in California Business and Professions Code section 17200.

12. During the course of the Kona Investigation, HP's acts and practices of unfair competition include the following:

- a. HP deceptively obtained telecommunications consumer account information by Various means, sometimes termed "prctxtng" and/or "social engineering," which includes misrepresenting themselves as the Victim, an agent of the Victim or someone acting on the Victim's behalf in calls to the Victim's telecommunications carrier's customer service representatives or on the telecommunication carrier's websites. HP thus obtained the Victim's private and confidential information, without the consent or authorization of the Victim.
- b. HP, by means of false pretenses, induced telecommunications companies to provide confidential information regarding the Victims to HP, in violation of California Penal Code section 538.5.
- c. HP knowingly accessed and without permission used data, computers, computer systems or computer networks in order to devise or execute a scheme to defraud or deceive telecommunications companies to provide HP with confidential personal information about the Victims and/or to wrongfully obtain data regarding the Victims, in violation of California Penal Code section 502(c)(1).
- d. HP knowingly accessed and without permission took, copied, or made use of data from a computer, computer system, or computer network and/or took or copied supporting documentation, in order to obtain confidential personal information about the Victims, in violation of California Penal Code section 502(c)(2).
- e. Consumers have an expectation of privacy in their telephone records and other personal information. This expectation of privacy is guaranteed by Article I Section I of the California Constitution, as well as by California Public Utility Code section 2891, which prohibits telecommunications companies from providing residential telephone call records of a consumer without the consumer's consent. HP violated the right to privacy of Victims by obtaining confidential telephone records and other personal information about them without their knowledge or consent.
- f. HP purchased, offered to purchase or conspired to purchase telephone calling pattern records or lists of the Victims without their written consent and/or through fraud or deceit, attempted to procure or obtain the telephone calling pattern records or lists of the Victims.
- g. HP used false pretenses to willfully obtain personal identifying information about

Respectfully submitted,

BILL LOCKYER, Attorney General of the
State of California

the Victims and used that information in violation of California Penal Code section 530.5.

h. HP's investigative tactics during the course of the Kona Investigation, as described in part in paragraphs 1-2 and 7-12 above, constitute unfair competition within the meaning of California Business

1 and Professions Code section 17200.

2 PRAYER FOR RELIEF WHEREFORE, plaintiff prays for judgment as follows:

3 1. Pursuant to California Business and Professions Code section 17203, that HP, its successors, agents,
4 representatives, employees, and all persons who act in concert with HP be permanently enjoined from committing any
5 acts of unfair competition, including the violations alleged in the First Cause of Action.

6 2. Pursuant to California Business and Professions Code section 17206, that HP be ordered to pay a civil penalty in
7 the amount of Two Thousand Five Hundred Dollars (\$2,500) for each violation of California Business and Professions Code
8 section 17200 by HP, as proved at trial.

9 J. That Plaintiff recover its costs of suit herein, including costs of investigation.

10 4. For such other and further relief as the Court may deem just and proper.

11 Dated: December 2006"

12 **PEOPLE OF THE STATE OF CALIFORNIA, v. HEWLETT-PACKARD COMPANY, 106CV-076081 CASE NO.: "**
13 *** FINAL JUDGMENT AND PERMANENT INJUNCTION**

14 Plaintiff, the People of the State of California, appearing through its attorneys, Bill Lockyer, Attorney General of the State of
15 California, by Chief Assistant Attorney General Tom Greene, Senior Assistant Attorney General Albert Norman Shelden, and
16 Deputy Attorney General Catherine Z. Ysrael, and defendant Hewlett-Packard Company, a Delaware corporation (hereinafter,
17 "HP"), appearing through its attorneys Morgan, Lewis & Bockius LLP, by Michael J. Holston and John H. Hemann, and it
18 appearing to the Court that the parties hereto, in the Stipulation for Entry of Final Judgment and Permanent Injunction
19 (hereafter "Stipulation") on file herein, have stipulated and consented to the entry of this Final Judgment and Permanent
20 Injunction without the taking of proof and without trial or adjudication of any fact or law herein,

21 D. The injunctive provisions of this Final Judgment and Permanent Injunction shall be applicable to defendant HP, as
22 well as its subsidiaries; its successors and the assigns of all or substantially all of the assets of its businesses; and its
23 directors, officers, employees, agents, independent contractors, partners, associates and representatives of each of them.

24 **PERMANENT INJUNCTION**

25 E. Pursuant to California Business and Professions Code section 17203, HP shall be and hereby is permanently
26 enjoined and restrained from directly or indirectly doing any of the following acts or practices in connection with the
27 conduct of investigations:

28 (1) Using false or fraudulent pretenses, representations, personations, or promises to obtain from a public utility any
confidential, privileged, or proprietary information, including customer or billing records, in violation of California Penal Code
section 538.5.

(2) Obtaining and unlawfully using personal identifying information, including social security numbers, in violation
of California Penal Code section 530.5.

(3) Knowingly accessing and without permission using any data, computer, computer system, or computer network
in order to (a) devise or execute any scheme or artifice to defraud, deceive, or extort, or (b) wrongfully obtain property or
data, in violation of California Penal Code section 502(c)(1)

(4) Knowingly accessing and without permission taking, copying, or making use of any data from a computer,
computer system, or computer network, or taking or copying any supporting documentation, whether existing or residing
internal or external to a computer, computer system, or computer network, in violation of California Penal Code section
502(c)(2).

(5) Violating California Penal Code section 638, effective January 1, 2007, which prohibits the purchasing, offering to purchase or conspiring to purchase any telephone "calling pattern record or list" without the written consent of the subscriber or, through fraud or deceit, attempting to procure or obtain any telephone "calling pattern record or list," as set forth in the statute.

(a) With regard to the CECO's oversight of HP's investigative practices, the CECO shall provide reports to the Independent Director. The CECO will be authorized to hire appropriate staff and obtain other appropriate resources to perform his duties, and also will be authorized to engage independent legal advisors as necessary without obtaining approval from the CEO or General Counsel, subject to review by the Independent Director and the board of directors.

(b) The CECO shall review HP's investigative practices (both as performed internally and as conducted by third parties), the SBC, and codes of conduct applicable to outside investigation firms. The CECO shall consult with the

Qualified Authority discussed in paragraph F(3) below in order to review the findings and recommendations provided by the Qualified Authority. On or before July 31, 2007, the CECO will report the results of this review and make recommendations for improvements in those practices to the CEO, the Independent Director, and the Board of Directors. HP will provide a copy of such report to the California Attorney General, which shall be exempt from disclosure under the California Public Records Act pursuant to Government Code sections 6254(b), 6254(f), and 6254.15. Thereafter, the CECO will provide annual reports, and additional reports as appropriate, to the CEO and Board of Directors regarding HP's compliance with recommendations for improvements in HP's practices with respect to its SBC, applicable codes of conduct and other policies regarding business ethics and privacy protection.

(3) HP has employed a qualified authority ("Qualified Authority") who is in the process of performing a comprehensive review of HP's compliance with applicable legal requirements and ethical standards, as these standards apply to HP's policies and practices regarding investigations. The Qualified Authority shall make recommendations for ensuring that any investigations performed by or on behalf of HP are legal, ethical and appropriate. The Qualified Authority shall report his or her findings directly to the CECO, the Independent Director and the Board of Directors. Based on this review, HP will adopt internal processes and controls designed to prevent misconduct in future HP investigations. The Qualified Authority's conclusions and recommendations shall be incorporated into the initial report written by the CECO referenced in paragraph F(2)(b) above.

(4) HP shall expand the duties and responsibilities of HP's Chief Privacy Officer to include responsibility for reviewing HP's investigation protocols to ensure they appropriately address matters related to privacy and ethics. Such investigation protocols shall ensure there are adequate approval and oversight policies with respect to investigations conducted either within HP or by its outside vendors.

(5) HP shall establish a Compliance Council chaired by the CECO. The members of the Council will include the CECO (chair), the Chief Privacy Officer, the Deputy General Counsel for compliance matters, the head of Internal Audit, and several Ethics and Compliance liaisons (chosen by the CECO from each business segment and function). The Compliance Council will develop, initiate, maintain and revise policies and procedures for the general operation of HP's ethics and compliance programs consistent with applicable laws and regulations. The Compliance Council will provide written semi-annual reports to each of the CEO, the Audit Committee and the Nominating and Governance Committee, and written annual reports to the Board. Additionally, the Council's liaisons shall report to the Compliance Council as needed with respect to the investigatory methods used in investigations within their area of responsibility, including those conducted by outside vendors.

(6) The CECO will report any material violation of the codes of conduct applicable to outside investigation firms to the head

of the appropriate business segment or function, who, in consultation with the CECO, will take appropriate action. The CECO will also report any material violation of the SBC, with respect to investigations conducted in-house, to the head of the appropriate business segment or function, who, in consultation with the CECO, will take appropriate action. Such action may include adverse employment actions, reallocation of resources, corrective actions or other methods reasonably necessary to remediate the violation. If the head of the appropriate business segment or function does not take appropriate action, the CECO shall report the violation to the CEO and the Independent Director. The CECO will report in writing to the Compliance Council semi-annually on all actions taken, and the Compliance Council shall review the appropriateness of the action taken, including for consistency as compared to other actions taken.

(7) In the event of a dispute regarding the appropriateness of any action to be taken by the Independent Director, the CECO, the Qualified Authority, the Chief Privacy Officer, or the Compliance Council pursuant to this Final Judgment and Permanent Injunction, the matter shall be referred by the Independent Director or the CECO to the Audit Committee for resolution.

(8) HP shall enhance its current training program as follows:

(a) Under the direction of the CECO and the Compliance Council, the existing annual training requirement will be redesigned and updated to ensure that the business ethics component plays a more prominent role.

(b) Additional training will be required for those HP employees who are engaged in the conduct of investigations for HP. That training will be designed by the CECO, with input from the Chief Privacy Officer and, as appropriate, independent counsel.

(c) The Board and senior management will be given training on potential and actual conflicts of interest that may arise with respect to outside attorneys representing not only HP but also the Board or any of its Committees. The Board shall be trained regarding the hiring of independent counsel and conduct of investigations.

(d) The Chief Privacy Officer will review the training program implemented pursuant to this paragraph to ensure that it appropriately addresses privacy matters.

(e) The Independent Director shall approve the training program implemented pursuant to this paragraph 8.

(f) In addition to the applicable supplier codes of conduct, all outside investigation firms will be provided written standards of conduct, developed by HP, that pertain specifically to privacy and business ethics concerns regarding investigatory methods used in the course of investigations. HP shall require these outside investigation firms to certify that their employees who work on HP matters have reviewed, understand, and will comply with these written standards of conduct. Compliance with these written standards of conduct, as well as the applicable codes of conduct for outside vendors, shall be a material term of any contract HP enters into with any outside investigation firm.

K. Conditioned upon HP making full payment as provided under Paragraphs G, H,

20 and I of this Final Judgment and Permanent Injunction, defendant and all of its present and former officers, directors, shareholders, any parents or affiliates, subsidiaries, employees, successors, predecessors and assigns (collectively, the "Released Parties") are discharged from all claims, to the extent permitted by law, related to or arising from the conduct of HP directors, officers, employees, agents, and contractors in connection with the "Kona Investigation" as described in the Complaint filed in this matter that the Attorney General could have brought pursuant to California Business and Professions Code sections 17200, or Penal Code sections 502(c)(1)-(2), 530.5, or 538.5.

1 Provided, however, notwithstanding any term of this Judgment or this paragraph, specifically reserved and excluded from the
2 scope and terms of this paragraph as to any entity or person are any and all of the following:

3 (1) Any criminal liability, save and except that HP shall not be barred or prevented from raising and asserting the
4 defenses of res judicata, collateral estoppel, and double jeopardy to the extent such defenses are applicable to any matter
that served as the basis for this litigation;

5 (2) Any personal injury, property damage, indemnification, or contribution claims by the State;

6 (3) Any tax liability;

7 (4) Any obligations created under this Judgment; and

8 (5) Any unlawful conduct not covered by the injunctive terms of this Judgment
9

10 L. Nothing in this: Final Judgment and Permanent Injunction shall be deemed permit or authorize any violation of
11 any law or regulation of the State of California or otherwise be construed to relieve Defendant of any on-going duty
to comply with such applicable laws, rules and regulations; nor shall anything herein be deemed to constitute
12 permission to engage in any acts or practices prohibited by such laws, rules or regulations.

13 M. The waiver or failure of any party to exercise any rights under this Final Judgment and Permanent Injunction shall not be
deemed a waiver of any right or any future rights.

14 N. This Final Judgment and Permanent Injunction shall take effect entry thereof, without further notice to
15 HP.

16 O. The clerk is ordered to enter this Final Judgment and Permanent Injunction forthwith

17 DATED:

18 DEC - 7 2006

19 JACK KOMAR

CHRIS EUBANK,
GARY NELSON,
BRAD GREENSPAN ,
Applicants for Intervention.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION)
IN RE: HIGH-TECH)
EMPLOYEE)
ANTITRUST)
LITIGATION)

Case No.: 11-CV-02509-

LHK
DECLARATION IN
SUPPORT OF MOTION
65(a) & FRCP 2521

THIS DOCUMENT RELATES
TO:
ALL ACTIONS

JUDGE: HON. LUCY H. KOH
COURTROOM: 8, 4TH FLOOR
DATE: AUGUST 28, 2014
TIME: 1:30 P.M

DECLARATION OF Cathy Jones

I, Cathy Jones, declare:

1. I am an attorney at law, duly admitted to practice before all the courts of the State of California and this Honorable Court. I am counsel for Plaintiffs ("Plaintiff") in this action. I have first-hand, personal knowledge of the facts set forth below and, if called as a witness, I could and would testify competently thereto.

2. This Declaration is made in further support of Plaintiffs' Motion For Consolidation and/or Preliminary Injunction relief under 65(a) & FRCP 2521

/s/ Cathy Jones
Cathy Jones (California State Bar No: 117934)
Briggs Jones Law
14938 Camden Ave
Suite 47
San Jose, CA 95124
BriggsJonesLaw@Hotmail.com
Fax (408) 796-5373

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6 UNITED STATES DISTRICT COURT
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9 IN RE: HIGH-TECH)
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11 LITIGATION)

Case No.: 11-CV-02509-

12) LHK
13) PLAINTIFF PROPOSED ORDER FOR
MOTION 65(a) & FRCP 2521

14 THIS DOCUMENT RELATES
15 TO:
16 **ALL ACTIONS**

Judge: Hon. Lucy H. Koh
Courtroom: 8, 4th Floor
Date: August 28, 2014
Time: 1:30 p.m.

1 **[PROPOSED] ORDER FOR MOTION FOR RECUSAL**

2
3 Motion for Recusal in the above-captioned matter is hereby _____,

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6 _____
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8 IT IS SO ORDERED.

9
10 Dated: , 2014

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13 HON. J.
14 UNITED STATES DISTRICT COURT JUDGE
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EXHIBIT #3 –

COMPLAINT IN INTERVENTION